

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 73963

John A. Smith
Cynthia L. Smith

1700 Magnolia Avenue

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on June 2, 2010 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 1B01.1D, 428, 408, failure to cease outside storage of untagged/inoperative vehicles, failure to cease use of property as an open dump/junk yard, failure to cease service garage activities, failure to cease use of property as a contractor equipment storage yard, failure to properly store trash in cans with tight fitting lids on residential property zoned DR 5.5 known as 1700 Magnolia Avenue, 21220.

On April 29, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,400.00 (two thousand four hundred dollars).

The following persons appeared for the Hearing and testified: John Andrew Smith, Respondent and, Christina Frink, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 11, 2010 for removal of untagged/inoperative motor vehicles, remove open dump/junk yard, remove contractor's equipment storage yard, remove commercial vehicle, remove trash and debris, obtain building permit. This Citation was issued on April 29, 2010.

B. Inspector Christina Frink testified that her inspections found a commercial van, automotive equipment, service garage equipment and car parts and other junk and debris. This violates prohibitions against the accumulation of junk, trash and debris on private property. BCC Section 13-4-201. This also constitutes an open dump, which under the County's Zoning Regulations is not a permitted use on this property. BCZR Section 101.1 (Open Dump: "Any land ... on which there is deposit and accumulation, either temporary or permanent, of any kind of organic or inorganic refuse...") Inspector Frink testified that she walked the property with Respondent John Smith and explained the violations. Re-inspection on April 12 found some of the property cleaned up except for car parts and two disabled untagged vehicles. Re-inspection on April 28 found violations remained. Re-inspection prior to this Hearing found the property cleaned up except for one red vehicle with parts missing.

C. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has exceeded this limitation. Respondent must put valid tags on the vehicle and make it operable, or remove it from the property.

D. Respondent John Smith testified that he had to close his business and lost his storage area, and had to bring vehicles and equipment home. He testified that everything has been removed except one red car which is his son's racing car. That car is almost fixed and will be off the property in about a week.

E. Because compliance is the goal of code enforcement, and nearly all of the violations were corrected prior to this Hearing, the civil penalty will be rescinded if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by July 19, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 17th day of June 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.